

**REMARKS**

Claims 1-12 and 14 are pending. By this response, claim 1 is amended and claim 13 canceled. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims 1-14 stand rejected under 35 U.S.C. §103(a) in view of Odaka (US 5,317,397) and Lee (US 5,592,226). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, encoding control means for... for performing a control operation to generate and furnish an updated quantizer step size for each of said I, B and P pictures so that a ratio among the target quantizer step sizes set for the different picture types is a predetermined one, said control operation not being totally depending on the allocation of quantity of the target amount of codes based on the global complexity measure for each of the picture, but in accordance with features of the sequence of moving pictures which represent a degree of complexity of the sequence of moving pictures to be encoded, wherein if the extracted feature of said sequence of moving pictures indicates that the amount of motion between pictures is relatively small, said encoding control means sets the amounts of generated codes assigned to each I-picture, each P-picture, and each B-picture within said unit group so that the amount of generated codes assigned to each I-picture is the largest, the amount of generated codes assigned to each P-picture is the second-largest, and the amount of generated codes assigned to each B-picture is the smallest, and, as the amount of motion between pictures represented by the extracted feature increases, updates said ratio among the target quantizer step sizes for the different types of pictures so that the differences among the amount of generated codes assigned to each I-picture, each P-picture, and each B-picture are reduced; and encoding means for encoding said each picture included in said sequence of moving pictures including said each picture using said quantizer step size furnished by said encoding control means and using either

said each picture or prediction from a past intra-coded image and/or a predictive coded picture. These features are not taught by the combination of Odaka and Lee.

In the Office Action, it is alleged that features of claim 13 (now part of independent claim 1) are taught by Odaka at Cols. 25 and 26. The Office Action states that Cols. 25 and 26 teach the determination of the proper quantization step size.

Applicants respectfully submit that Cols. 25 and 26 of Odaka teach allocation of bits to each picture individually so as to obtain quantization ratios that are close or equal to each other for each of the I, B and P pictures. However, Applicants respectfully submit that Odaka does not teach or suggest the specifics of allocating a certain amount of codes to each of the I, B and P pictures in which the amount of codes is larger in the I picture the P picture being second and B picture having the smallest amount of codes, as recited in independent claim 1. Applicants respectfully submit that nowhere in Odaka or Lee are these features taught or suggested.

Thus, in view of the above, Applicants respectfully submit that the combination of Odaka and Lee fail to teach each and every feature of Applicants independent claim 1 as required. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### Conclusion

For at least the above reasons Applicants respectfully submit claims 1-12 and 14 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

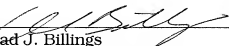
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 23, 2008

Respectfully submitted,

By

  
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